

**UNION GAP PLANNING COMMISSION
PUBLIC HEARING MEETING OF
FEBRUARY 25TH, 2014**

Call to Order:

The Public Hearing Meeting of the Union Gap Planning Commission was called to order by Chairman Moore at 7:00 p.m.

**Planning Commission
Members Present:**

Chairman Mike Moore, Commissioner Dave Hansen, Commissioner Rick Cecil, and Commissioner Sandy Dailey were present.

Staff Present:

Dennis Henne, Director; and Andrea Ely, Administrative Secretary were present.

**APPROVAL OF MINUTES:
February 4th, 2014**

Chairman Moore asked for a motion on a typographical error on name of *Commissioner Mark Carney* to be changed to *Commissioner Dave Hansen*.

Commissioner Hansen had an objection on page 3, in the second to last paragraph and asked to add the word "registered" and omit the word "listed."

Motion by Commissioner Hansen, second by Commissioner Cecil to approve the Regular & Study Session Meeting Minutes with revisions of February 4th, 2014; motion carried unanimously.

REGULAR MEETING

I-502 Public Hearing

Chairman Moore welcomed the audience, addressed the rules of conduct for the Public Hearing in accordance with the Appearance of Fairness Doctrine, and opened the floor for public comment.

*Theresa Charvet
Union Gap, Washington*

Theresa works for the Union Gap School District and has been a resident of 34 years. She has not been involved regarding the recent marijuana laws and would like to know what direction the City is going.

Chairman Moore replied the Planning Commission (PC) is proposing to allow marijuana retail businesses within the City requiring zoning and siting criteria. The PC has discussed this issue for a long time, researching Colorado and its projections of 98 million dollars annually. The PC will make a recommendation to City Council and is taking public comment.

Theresa believed that the reasoning for the proposal was for profit only and that profit was not the answer. She would like the PC to respectfully consider right and wrong aspects of their proposal. She respects the Police Chief for taking his stand on the issue.

*Ray Kempf
Union Gap, Washington*

Ray has been a resident of Union Gap since 1946 and wanted to go on record opposing marijuana sales in the City, due to personal family reasons. He feels the City should follow Yakima, and consider the concerns with the Indian Reservation. He advises the PC to recommend to the City Council to prohibit sales in the City.

*Ken Weaver
Yakima, Washington*

Ken is a proponent for retail sales and has applied for a license in Union Gap. Right and wrong is not the issue, for example alcohol was banned and is now legal. Marijuana will be the same and the PC should consider the amount of money spent on prohibiting it. There is no negative academic research on marijuana and it has numerous medical benefits. If he opened a brewery it would be praised, yet the least-addictive drug is limited. Allowing sales can reduce black-market marijuana by 150%.

*Rubin Brost
Wapato, Washington*

Rubin asked if the PC has reviewed crime rates and if additional policing will be required.

Chairman Moore replied crime statistics is new territory for all involved; Colorado has already allowed medical and retail to be sold over the counter yet it is too soon for results. Regarding policing, there are clear regulations in place for retailers, including

product cannot be visible from the street and required security systems. Rubin mentioned that Denver Police noted the first 30 days to be high in theft and muggings, however stiff penalties were in place for criminals. He recommends the PC education the public on purchasing and carrying product. In Harrah and White Swan area there is a heavy presence of drugs and in high school many of his friends were not prosecuted for years, even advertising their product. Rubin is a proponent for sales as long as it is secure and stresses citizens should be educated.

*Paul Weaver
Yakima, Washington* Paul wanted the PC to know that the City, as opposed to other jurisdictions, can take pride in taking a lead on this issue.

*Adam Markus
Moxee, Washington* Adam is a proponent and applicant to provide retail services in the City and wanted to address the business issues. In regards to the 1000' residential zoning buffer, it leaves very little property to select from. Most of the properties he is reviewing are within the residential buffer and he wanted the PC to take that issue under consideration.

His original intentions were to sell product to help those with medical relief. Washington State voted for recreational use so he has shifted to retail. He understands there is concern about controlling product distribution which is why he will implement a software program to scan driver licenses. The State supports this system; it identifies the person and either allows or denies a sale transaction. Regarding security, Adam has turned to casinos because of the number of cameras and video quality that is required by the State. Their systems are expensive but will record any movement on the property.

Adam has two teenagers, (ages 17 and 14) and would be outraged if they accessed marijuana through retail stores. Through his oldest he found that marijuana is very accessible now. He asked his son how long it would take to acquire a significant amount of marijuana; his son replied within an hour. Retail stores will create less of a chance the product will get in the wrong hands. When State taxes are collected from sales, a large sum will be invested into drug education and treatment programs.

Adam added that Colorado State Patrol has added patrols but have had no increase or decrease in DUI cases. Marijuana affects people differently than alcohol, in regards to violence and arrest records. If the City allows retail stores to open, every possible step will be taken to assure the product goes to those that have the right to it. If you object to it, don't purchase it. Adam is very educated on this subject and is open to any questions from the public, PC, and City Council.

*Atwice Kamiakun
Toppenish, Washington* Atwice currently works in Union Gap, but lives in Toppenish. In her childhood tobacco was considered sacred; marijuana was not. She has worked with children for over 40 years and is a teacher of the *Sahaptin* language. She has spoken in six states regarding women's rights. She is well educated on the detriments of marijuana and does not indulge or participate in it. She believes it has become all about money. In the 1960's Tetrahydrocannabinol (THC) levels in marijuana were for relaxation, now it has been groomed to cause addiction and is directed towards youth.

Atwice stated a gentleman from Oxford University came to speak to the Northwest Tribes and has facts on the affects of marijuana. She requested the PC come to Toppenish to hear his presentation and put a stop to this process. She stated this decision could harm children. After time passes these things seem acceptable, but marijuana will never be right in her viewpoint. Atwice asked the record declare her as a consultant and urged the PC to research this topic.

Chairman Moore wanted to know when the speaker will be in Toppenish again. Atwice stated Mr. Johnson from the School District would have that information.

*Christina Hull
Union Gap, Washington* Christina has been a resident of Union Gap for over 37 years and has worked for the Union Gap School District for 32 years. As she has seen the results of children that have used marijuana, she opposes the ordinance. She asked what the public can do to oppose this decision and if a petition would assist.

Chairman Moore replied that public comment is a start and there is still a lot of discussion prior to making a decision. Ellensburg, Mabton and Grandview have passed their approvals of retail businesses which will allow it to be around us. The City of Yakima and Yakima County are in six-month moratoriums but have banned businesses.

Christine replied that citizens can travel to those locations if they need product.

Ray Kempf
Union Gap, Washington Mr. Kempf asked who advises the City on legal advice for this proposal; Chairman Moore replied the City Attorney.

Ken Weaver
Yakima, Washington Mr. Weaver stated last year there were 173 metric tons of illegal marijuana circulating the State. The argument is not about legalizing marijuana. When it was voted legal, it came to the City. The marketing plans for these retail businesses are not targeting children; only criminals sell to children. Furthermore, the State is only allowing a handful of stores within the City limits and these operations will be localized.

Theresa Charvet
Union Gap, Washington Theresa stated as an employee of the Union Gap School District one of off-site activities are Occupational field trips. Teachers teach about occupations such as Fire Department operations. She suggested the PC and City Council operations should be included in those activities as well. She asked the PC how to explain to the children the decision that is being made.

Commissioner Dailey replied that she was very pleased with the interest of the community on this issue and that comments have been enlightening. She takes pride in the Teachers of the Union Gap School District and encouraged them and the public to help children make good decisions. They may have to accept the changes that may occur. Children are making wrong decisions even now; preparing them can make it safer for our kids.

After no further comment, the Public Hearing was closed.

COMMUNICATIONS

Chairman Moore announced there is an opening on the Planning Commission. It is a volunteer position for a resident of Union Gap, and thanked all those in attendance.

The Director stated at the Council Meeting of February 24th, 2014 an RCW was referenced regarding retail businesses. It stated upon application of a retail business, the property location must be given within 30 days, which may be from the approval date. There was also some confusion on the 60-day moratorium and the Planning Commissions intentions; it was not extended or reduced and still stands.

Chairman Moore stated that applications will be reviewed after a decision is made. His concern is for the City residents and their wishes. The Director noted that there is 45 days left for the Council to make a decision before the end of the moratorium, or it could be extended.

Commissioner Cecil stated he was unaware of the City Council and their direction on this issue. The Director stated the Council has no desire to sway the PC's decision and recommended reading the City Council meeting minutes. Chairman Moore stated out of the seven citizens who commented, four were opposing residents. The remaining proponents seemed to live outside the City.

The Director stated in his opinion Council acknowledges Washington State voters approved I-502 and their goal is to regulate it property. The residential buffer may be the item to question. Chairman added the ordinance was modeled after the Adult ordinance and is cautious in changing the residential buffer.

The Director stated that potential businesses would not be able to get loans, as they are FDI protected and financing would be difficult. Commissioner Cecil added that annual sales would become profit quickly. The PC should consider ways to help the community with this change and look at the issue from a moral perspective; yet to consider it already moves in our community illegally.

Commissioner Cecil inquired about the concerns with the Reservation lands and Chairman Moore believes the City Attorney is reviewing that and added parts of the City are on deeded land. Commissioner Dailey suggested the PC educate the public with the intentions of the decision prior to making one. The Director agreed and recommended support programs. Commissioner Hansen wanted it noted that the PC as a board cannot educate or advise the public on the law; there are resources for the public to educate themselves if they have interest.

Chairman Moore asked if comment can be obtained from the City Attorney prior to making any decisions on the 1000' residential buffer and reservation lands. The Director stated the City could be vulnerable to lawsuits and should look into the Nation's concerns. Commissioner Hansen noted the AG opinion states the Cities cannot be sued.

Chairman Moore asked about the speaker Atwice Kamiakun referenced and asked if staff could gather information from him. Commissioner Cecil and Commissioner Hansen both concurred the issue was not about the legalization of marijuana. Chairman Moore suggested another well-advertised public hearing with the City Attorney present would benefit. The Secretary stated legal notification was posted in the Yakima Herald, and a meeting notice was posted on the Union Gap website for this hearing.

Commissioner Hansen said the draft is well-written and needs a little more review. The Director stated Council should discuss this more and the PC should have a transit tour to see which properties are available. Commissioner Cecil motioned to meet Friday, February 28th at 8:00am to tour the proposed buffer zones, second by Commissioner Dailey, motion passed unanimously.

NEXT MEETING AGENDA

The next PC Regular Meeting will be held on Tuesday, March 25th Motion by Commissioner Cecil, second by Commissioner Dailey; motion carried unanimously.

The Director clarified, the PC has requested an opinion in writing or attendance and representation on the March 25th Regular PC Meeting. Advertising of another hearing that can be discussed at the March 25th meeting. Commissioner Hansen asked if adequate notice of his response would be helpful.

MEETING ADJOURNED

There being no further discussion, the meeting adjourned at 8:42p.m.

Chairman, Mike Moore

ATTEST:

Andrea Ely, Administrative Secretary